



## UNITED STATES DEPARTMENT OF COMMERCE

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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RECEIVED		EXAMINER
HM42/0323		
25 1093		ART UNIT
PATENT LAW		PAPER NUMBER
		1613
DATE MAILED: 03/23/98		

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

## Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice of Draftsman's Patent Drawing Review, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.  \_\_\_\_\_

## Part II SUMMARY OF ACTION

1.  Claims 1 - 137 are pending in the application.  
(1-17, 20, 32, 33, 35-39, 42-45, 47, 68-72, 74, 77, 87-90, 104-105) and 18, 19, 21-31, 34 are withdrawn from consideration.
2.  Claims 46, 48-67, 73, 75, 79-86, 91-136Y have been cancelled.
3.  Claims \_\_\_\_\_ are allowed.
4.  Claims \_\_\_\_\_ are rejected.
5.  Claims 1-17, 20, 32, 33, 35-39, 42-45, 47, 68-72, 74, 77, 87-90, 40, 78, 137 are objected to.
6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.
7.  This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8.  Formal drawings are required in response to this Office action.
9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).
11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).
12.  Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14.  Other

RESPONSE DUE: <u>June 23, 1998</u>	
STATUTORY PERIOD EXPIRES <u>Sept. 23, 1998</u>	
EXAMINER'S ACTION	

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Art Unit: 1201

In response to the restriction requirement of Paper No. 6 applicant has elected the species of claim 137 with traverse. The generic concept as depicted in claim 1 wherein R<sup>1</sup> is aryl optionally substituted by lower alkyl, lower alkenyl, trifluoromethyl, lower alkoxy, hydroxy - lower alkoxy, alkoxy alkoxy, R<sup>2</sup> is phenyl or naphthyl each substituted by O-C<sub>1-8</sub> alkylene -O-C<sub>1-8</sub> alkylene-aryl wherein aryl is as defined for R<sup>1</sup>;

X is O, S;

Z is lower alkylene;

Q is absent;

m is O (W is absent);

R<sup>3</sup> is hydrogen;

R<sup>4</sup> is OH;

is identified for examination along with the elected embodiment. The remaining subject matter of claims 1-17, 20, 32, 33, 35-39, 42-45, 47, 68-72, 74, 77, 87-90, and the subject matter of claims 18, 19, 21-31, 34, 46, 48-67, 73, 75, 76, 79-86 and 91-136 stands withdrawn from further consideration under 37 CFR 1.142(b) as constituting other patentably distinct inventions.

Art Unit: 1201

The inventions subject matter of the claims properly restricted as said subject matter differs in structure and element from the elected subject matter so as to be patentably distinct therefrom, i.e. a reference which anticipated but the elected subject matter would not even render obvious the withdrawn subject matter and the fields of search are not co-extensive.

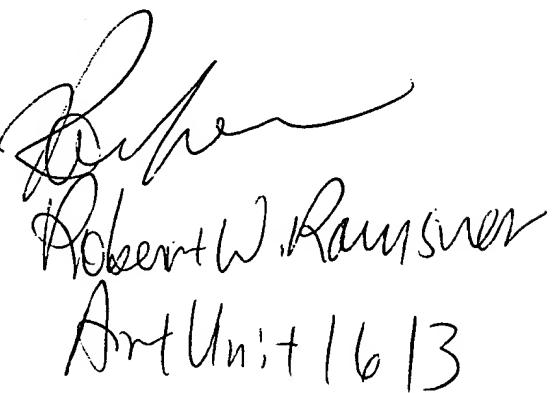
Accordingly, the claims are drawn to more than a single invention and restriction as has been required is proper 37 CFR 1.142(a).

Claims 1-17, 20, 32, 33, 35-39, 42-45, 47, 68-72, 74, 77 and 87-90 are objected to as containing non elected subject matter. The objection may be overcome by limiting the claim to the subject matter indicated as being examinable, supra. Claims so limited would appear allowable.

Claims 40, 78 and 137, presented in independent form or made dependent on an allowable claim, would appear allowable, otherwise they are objected to as being dependent on a non allowed claim.

RAMSUE; aco

March 2, 1998

  
Robert W. Ramsuer  
Art Unit 1613